

MINUTES OF SPECIAL MEETING
MAPLE RIVER WATER RESOURCE DISTRICT
CASS COUNTY HIGHWAY DEPARTMENT
WEST FARGO, NORTH DAKOTA
JANUARY 7, 2016

The Maple River Water Resource District met on January 7, 2016, at 9:00 a.m. at the Cass County Highway Department, West Fargo, North Dakota.

Present were Rodger Olson, Chairman; Jurgen Suhr, Manager; Gerald Melvin, Manager; Carol Harbeke Lewis, Secretary-Treasurer; Brenda Lovgren, Administrative Assistant; Lukas Andrud, Attorney for the Board; Mike Opat and Lyndon Pease, Engineers for the Board; and Jason Benson, Cass County Engineer.

Reorganization of the Board for calendar year 2016

Upon motion duly made by Manager Suhr, seconded by Manager Melvin and unanimously carried, the following officers were appointed for the year 2016:

Rodger Olson	Chairman
Jurgen Suhr	Vice Chairman
Carol Harbeke Lewis	Secretary-Treasurer
Rodger Olson	Cass County Joint Water Resource District Board Representative
Jurgen Suhr	Cass County Joint Water Resource District Alternate Representative 1
Gerald Melvin	Cass County Joint Water Resource District Alternate Representative 2
Rodger Olson	Red River Joint Water Resource District Board Representative
Gerald Melvin	Red River Joint Water Resource District Alternate Representative

Upon roll call vote, the motion carried unanimously.

2016 meeting dates

The Board discussed its regular meeting dates for the year 2016. It was moved by Manager Melvin and seconded by Manager Suhr to adopt the following resolution. Upon roll call vote, the motion carried unanimously.

RESOLUTION

BE IT RESOLVED, that the Maple River Water Resource District does hereby set the first Thursday of February and March at 9:00 a.m., the first Thursday of April through October at 8:00 a.m., and the first Thursday of November and December at 9:00 a.m. at the Cass County Highway Department, 1201 Main Avenue West, West Fargo, North Dakota, as its regular meeting dates, time and place for the year 2016.

BE IT FURTHER RESOLVED, that the Secretary be and she hereby is directed to forward a copy of said schedule of meetings to the Cass County Auditor and to post said schedule at the Water Resource District's principal office and the location of the scheduled meetings, all in accordance with the provisions of Section 44-04-20 as amended.

APPROVED:

Rodger Olson
Chairman

ATTEST:

Carol Harbeke Lewis
Secretary-Treasurer

Designation of depositories of Maple River Water Resource District public funds

It was moved by Manager Suhr and seconded by Manager Melvin to designate the following as depositories of Maple River Water Resource District public funds:

Alerus Financial
Bell State Bank & Trust
First State Bank of North Dakota (Casselton)

Upon roll call vote, the motion carried unanimously

Pledge of Assets

It was moved by Manager Melvin and seconded by Manager Suhr to approve the following Pledge of Assets:

Alerus Financial (as per agreement of March 7, 1996)

Upon roll call vote, the motion carried unanimously.

Review of contracts for legal and engineering services

It was moved by Manager Melvin and seconded by Manager Suhr to reaffirm the agreement with Ohnstad Twichell, P.C. for legal services and approve the billing rates, as presented, for the Maple River Water Resource District for calendar years 2016 and 2017. Upon roll call vote, the motion carried unanimously.

It was moved by Manager Suhr and seconded by Manager Melvin to approve Appendix 1 (Reimbursable Expenses Schedule) and Appendix 2 (Standard Hourly Rates Schedule) to Exhibit C regarding the *Agreement between Owner and Engineer for Professional Services – Task Order Edition* with Moore Engineering, Inc., as presented. Upon roll call vote, the motion carried unanimously.

Minutes

It was moved by Manager Suhr, seconded by Manager Melvin and unanimously carried to approve the minutes of the December 3, 2015, meeting.

Cass County Highway crossings on Water Resource District facilities

Jason Benson reviewed the Cass County Highway Department 2016-2020 Capital Improvement Plan with the Board. The box culvert replacement project 3 miles north and 2 miles west of Buffalo on the Maple River is new for 2017. The Cass County Highway 16 box culvert on Drain #37 between Section 33 of Addison Township and Section 4 of Davenport Township is scheduled for replacement in 2016. The Cass County Highway Department will coordinate project funding with the Maple River Water Resource District. The project will be advertised for bids in March 2016.

It was moved by Manager Suhr and seconded by Manager Melvin to authorize Moore Engineering, Inc. to survey Drain #15, Drain #37, upstream of Cass County Highway 6, and Drain #39 and report back to the Board with the results. Upon roll call vote, the motion carried unanimously.

Lynchburg Channel / Buffalo Channel maintenance

Mike Opat reviewed a preliminary plan and profile for the proposed maintenance of the Lynchburg Channel and Buffalo Channel, from State Highway 18, east to the outlet at the Maple River. The Board discussed maintenance options and will consider the matter at the next meeting.

Swan Creek and Upper Maple River Watershed Planning Teams

Mr. Opat reported to the Board that the Rush River and Upper Maple River Watershed Planning Team meeting is scheduled for January 12, 2016.

Upper Swan Creek Channel Improvements-Phase I

It was moved by Manager Suhr and seconded by Manager Melvin to approve and authorize the Chairman to sign Task Order No. 2 in accordance with the *Agreement between Owner and Engineer for Professional Services – Task Order Edition* with Moore Engineering, Inc., regarding Upper Swan Creek Channel Improvements-Phase 1. Upon roll call vote, the motion carried unanimously.

Garsteig Dam Repairs (Swan Buffalo Detention Dam #5)

It was moved by Manager Suhr and seconded by Manager Melvin to approve and authorize the Chairman to sign Task Order No. 5 in accordance with the *Agreement between Owner and Engineer for Professional Services – Task Order Edition* with Moore Engineering, Inc., regarding Garsteig Dam Improvements. Upon roll call vote, the motion carried unanimously.

It was moved by Manager Melvin and seconded by Manager Suhr to approve and authorize the Chairman to sign the State Water Commission *Agreement for Cost-Share Reimbursement* regarding Swan Buffalo Detention Dam #5 (Garsteig Dam) Safety Improvements. Upon roll call vote, the motion carried unanimously.

Embden Dam Repairs (Swan Buffalo Detention Dam #8)

It was moved by Manager Melvin and seconded by Manager Suhr to approve and authorize the Chairman to sign Task Order No. 4 in accordance with the *Agreement between Owner and Engineer for Professional Services – Task Order Edition* with Moore Engineering, Inc., regarding Embden Dam Improvements. Upon roll call vote, the motion carried unanimously.

It was moved by Manager Suhr and seconded by Manager Melvin to approve and authorize the Chairman to sign the State Water Commission *Agreement for Cost-Share Reimbursement* regarding Swan Buffalo Detention Dam #8 (Embden Dam) Safety Improvements. Upon roll call vote, the motion carried unanimously.

Absaraka Dam Repairs (Swan Buffalo Detention Dam #12)

It was moved by Manager Suhr and seconded by Manager Melvin to approve and authorize the Chairman to sign Task Order No. 3 in accordance with the *Agreement between Owner and Engineer for Professional Services – Task Order Edition* with Moore Engineering, Inc., regarding Absaraka Dam Improvements. Upon roll call vote, the motion carried unanimously.

It was moved by Manager Melvin and seconded by Manager Suhr to approve and authorize the Chairman to sign the State Water Commission *Agreement for Cost-Share Reimbursement* regarding Swan Buffalo Detention Dam #12 (Absaraka Dam) Safety Improvements. Upon roll call vote, the motion carried unanimously.

Application for Surface Drain #4767 for Joel Hoyme, Derek Swenson, Elisabeth Esser, Mark Ottis, Geoffrey G. Rich, and Elaine Swenson in the NW 1/4 of Section 29 and the N 1/2 of Section 30 in Normanna Township

The Board reviewed information from the State Engineer regarding *Application for Surface Drain #4767* for Applicants Joel Hoyme, Derek Swenson, Elisabeth Esser, Mark Ottis, Geoffrey Rich, and Elaine Swenson; Geoffrey Rich and Elaine Swenson did not originally sign the Application, but Ryan Ottis obtained their signatures since portions of the project will be on their property. Under the application, Applicants seek to construct channel improvements to the south township road ditch along the Section 20/29 and 19/30 section lines in Normanna Township. The permitted drain will include 5,700 feet of channel improvements; a bottom width of 6 feet maximum; 3:1 side slopes; and a maximum cut of 2.5 feet. The project will run from the west side of the railroad tracks in the NW 1/4 of Section 29 to the west along the north boundary of the NW 1/4 of Section 29 and the N 1/2 of Section 30 until ultimately discharging into Cass County Drain #34. The property that will drain into the improved channel is within the Drain #34 maintenance assessment district.

According to records on file with the Cass County Recorder's office, the Elisabeth K. Esser Revocable Living Trust owns the NW 1/4 of Section 29; Geoffrey, Benjamin, and Kristoffer Rich own the NE 1/4 of Section 30; and Elaine Swenson owns the NW 1/4 of Section 30.

Mike Opat offered draft responses to the eight elements under Section 89-02-01-09.2 of the North Dakota Administrative Code, and the Board adopted those responses. The Board further determined no hearing was necessary under Section 89-02-01-09.1(2) of the North Dakota Administrative Code because the Applicants own the property where Applicants intend to construct the project, and the project will discharge into Drain #34 and will not result in adverse impacts to downstream landowners. The Board will require Applicant to obtain permission from Normanna Township to construct, operate, and maintain an improved channel in the township's road ditch. In addition, the Board will require Applicant to obtain a *Utility Permit* from the Board regarding discharge into Drain #34. The Board concluded that, in light of these measures, the project will not result in adverse impacts, and no hearing is necessary to consider the application.

It was moved by Manager Melvin and seconded by Manager Suhr to approve a *Utility Permit* regarding Applicants' utilization of Drain #34 as an outlet, and to approve *Application for Surface Drain #4767* for Joel Hoyme, Derek Swenson, Elisabeth Esser, Mark Ottis, Geoffrey Rich, and Elaine Swenson, subject to the conditions attached by the State Engineer, and subject to the following conditions:

- 1) That Applicants will not construct or improve the drain in any manner that exceeds the dimensions indicated in the application, including a drain length of 5,700 feet; a 6-foot bottom width; 3:1 side slopes; and a 2.5-foot maximum cut;

- 2) That Applicants obtain an easement from the owner of any land, besides land owned by Applicants, on which Applicants will construct the drain; and
- 3) That Applicants obtain written permission from the Normanna Township Board of Township Supervisors to construct, operate, and maintain a surface drain in its township road ditch, or to otherwise utilize its township road ditch;
- 4) That Applicants notify the Maple River Water Resource District in advance of any proposed improvements to the drain, including any increase in the capacity or drainage area affected, and, if necessary, submit an additional permit application;
- 5) That Applicants obtain an approved *Utility Permit* from the Maple River Water Resource District regarding any and all outlets into Cass County Drain #34;
- 6) That Applicants provide and maintain adequate erosion protection at any and all outlets into Cass County Drain #34 (Applicants are solely responsible for any damages to Cass County Drain #34 as a result of the project); and
- 7) That Applicants obtain all other necessary and requisite licenses, permits, registrations, and/or approvals from all applicable federal, state, county, and municipal governments, and any other applicable governmental entities.

Upon roll call vote, the motion carried unanimously.

Application for *Mapleton Junction Subdivision* in Lot 1, Block 1, Leo's Subdivision in Section 9 of Mapleton Township for above ground facilities in connection with a pipeline located on a site at the southern end of the Laurel Pipeline Project

The Board directed the Secretary-Treasurer to submit comment provided by the Water Resource District Engineer to the Cass County Planner regarding the application for *Mapleton Junction Subdivision* in Lot 1, Block 1, Leo's Subdivision in Section 9 of Mapleton Township for above ground facilities in connection with a pipeline located on a site at the southern end of the Laurel Pipeline Project.

Research / photocopying policy

It was moved by Manager Suhr and seconded by Manager Melvin to adopt the following policy:

POLICY RELATING TO RESEARCH/PHOTOCOPYING

Requests for photocopies of Water Resource District files/materials shall be provided in a prompt manner at the rate of \$.25 per copy, with the first hour of research being free and each additional hour at the rate of \$25 per hour. Upon request, electronic media will be provided at cost. Prepayment, as estimated by the Secretary-Treasurer, will be required for the above services.

Upon roll call vote, the motion carried unanimously.

Bills

It was moved by Manager Suhr and seconded by Manager Melvin to approve the payment of Checks #5483 through #5500, and the electronic funds transfers, as presented. Upon roll call vote, the following Managers voted in favor: Olson, Suhr, and Melvin. The Chairman declared the motion passed.

Adjournment

There being no further business for the Board to consider, it was moved by Manager Suhr, seconded by Manager Melvin and unanimously carried to adjourn the meeting.

APPROVED:

Rodger Olson
Chairman

ATTEST:

Carol Harbeke Lewis
Secretary-Treasurer